

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
AUGUST 13, 2008**

CALL TO ORDER A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Gene Dziza, Gordon Cross, Jim Heim, Rita Hall, Marc Pitman, Marie Hickey-AuClaire, Mike Mower and Frank DeKort. Randy Toavs had an excused absence. BJ Grieve, Andrew Hagemeister, Alex Hogle, and Jeff Harris represented the Flathead County Planning & Zoning Office.

There were approximately 19 people in the audience.

APPROVAL OF MINUTES DeKort made a motion seconded by Hickey-AuClaire to approve the July 9, 2008 meeting minutes as corrected.

The motion carried by quorum.

PUBLIC COMMENT
(not related to agenda items)

None.

WHITETAIL PINES SUBDIVISION (FPP-08-09)

A request by Sundance Properties Inc. for Preliminary Plat approval of Whitetail Pines, a 45 lot single-family residential subdivision on 180 acres. Lots in the subdivision are proposed to have individual water and septic systems. The property is located at 2783 Columbia Falls Stage.

STAFF REPORT

Grieve reviewed Staff Report FPP-08-09 for the Board.

This was a continuation from the June 18, 2008 meeting; the public comment portion was closed for this agenda item.

APPLICANT REBUTTAL

Narda Wilson, 184 Midway Drive, handed out packets to board members and staff. She went over some of the issues. The area has been in a drought for the last ten years. Due to the drought, the groundwater monitoring and water conditions do not accurately represent the conditions onsite. She spoke with Brian Launius at Enviro-Tech Consulting and he said this was a very good year for groundwater monitoring due the amount of accumulated precipitation. The average precipitation for the Flathead Valley is about 15.5 to 16 inches per year. In 2004, 2005, and 2006 the average precipitation was above 16 & 17 inches. 1996 had the highest level of precipitation the valley has received in 100 years. The only dry year was 2000 so the groundwater-monitoring tests from 2006 and 2008 provided the best representation of what the current conditions are. She talked about the issue of depth-to-groundwater in relation to the building sites. Of the tests done in 2008, all the test pools were dry except for test pool number 3. From the 2006 groundwater-monitoring test and the

elevation of these sites, they placed the lots about 10 feet from where groundwater was found. The applicant felt there was no threat to public, health, and safety with regard to the groundwater causing problems during construction. There is no zoning in the area or a neighborhood plan. The guidelines to go by are from the Growth Policy. She read Growth Policy section 4.3 to the board. She discussed local services in the area. The property owners suggested placing a cul-de-sac at the north end of the subdivision to mitigate thru-traffic concerns.

Rob Smith, of A2Z Engineering, talked about traffic studies and said for the next 10 years, all the intersections and roads around the subdivision will be operating at an A-level of service. He talked about stormwater and the “pros” of having a cul-de-sac. Their plan would actually catch 100% of the run-off from the roads. To the east of the property, there is a low area. They added culverts that would pass 100 years worth of storms and would not allow water to run over the road. He feels groundwater is not a huge concern because the surrounding land grows mostly Ponderosa trees and other types of pine that prefer dry climate.

Doug Scozac, 114 Vista View Trail in Columbia Falls, talked about wildlife in the area and said this property is not classified as wildlife habitat. He spoke with Jim Williams of Fish, Wildlife, & Parks on July 22, 2008 who said elk primarily live in the foothills and sometimes venture out into open area. He said the neighbors had concerns about additional traffic this subdivision would bring. After speaking with the planning department, they decided a cul-de-sac was best. He sent out letters and a design map of the subdivision to all surrounding neighbors, which stated they could call with questions. Another concern of the neighbors was the level of water on the east, the lowest side. He said this was because previous farmers made a ditch on that side. None of the current residents has ever had flooding problems and he does not see any in the future. They have building envelopes in place and no homes would be built in areas with groundwater within 8-feet of the surface. He feels he supplied enough scientific evidence showing groundwater will not be an issue. They comply with section 4.7.12.8 of the Flathead County Subdivision Regulations. They put a lot of effort into planning this subdivision by making sure they met all zoning requirements, land use regulations, growth policies, and subdivision regulations, and making sure it would fit in the community. The lot sizes range from 3-6 acres and are all over 100-yards apart. No corners have been cut in the 2 years they have been planning this. They are expecting construction and development to take 5 to 12 years.

Wilson went over the amended findings and conditions from the last meeting. She made suggestions for amending findings #9, #11, and #15. She then went over Conditions #16, #22, and a few additional conditions.

**BOARD
DISCUSSION**

Hall asked about the rise on Columbia Falls Stage Road and if it would cause a visibility issue.

Wilson said the County Road Department went out there with the property owner and a surveyor. They located the access and said it was a good site distance. She said they are confident the access is safe.

Cross asked about the amendments to the Transportation Impact Study (TIS).

Wilson said an approach permit was implemented for that access.

**STAFF
REBUTTAL**

Grieve talked about the cul-de-sac and how a revised Traffic Impact Assessment (TIA) needed to be submitted from the applicant. The applicant had not done so when asked and now they are trying to submit it as an amendment. The problem is the public has not had a chance to review this information because it was not in the staff report. The new information submitted tonight, on precipitation data, may or may not be sufficient information. Though precipitation and depth-to-groundwater are related, they are two different sciences. He left it to the board to make the decision on whether or not it was sufficient. The planning office has a problem accommodating to building envelopes and building locations designated at preliminary plat because there is no way to verify them. The applicant did not submit covenants. He went over the request to amend condition #16 regarding fencing.

**MAIN MOTION
TO ADOPT F.O.F.**

Dziza made a motion seconded by Hall to adopt Staff Report FPP 08-09 as findings-of-fact.

**BOARD
DISCUSSION**

Heim thought the proposed findings needed to be dealt with.

Cross said, at the original hearing, the applicant asked the board to accept the amendment for TIS. That was the first decision that needed to be made.

DeKort said the board needed to consider the new information as well.

Hickey-AuClaire agreed.

Dziza did not understand how the board could consider new information since the public hearing was already held.

Cross said there is a consensus; the report will not be accepted due to the new information; findings needed to be discussed. He discussed finding #1 and the impact to agriculture. He asked Grieve what the importance of this finding was.

Grieve said the impact on agriculture is in the criteria. The land is not currently being maintained for agriculture, so it is not as though it is being removed.

Cross discussed finding #4, he asked Grieve if the data was still correct in this finding.

Grieve said yes, the data was submitted with the application. However, there was some additional information submitted at the last meeting. The new information showed the applicants choose some of the lowest land on the property to do groundwater monitoring. They found some places were lower than the required 8-feet, so they placed their test sites in areas that would be relative to where a house may be built.

Heim asked Grieve if sites 2 and 3 are on the main home site table.

Grieve said he did not have any of the home site data when he was doing the review; he only had the groundwater monitoring wells and where they were located. There are two different years worth of test holes and that caused some issues. The staff report addresses the differences of the two and lays out the finding-of-fact accordingly.

Cross asked Grieve if he was concerned about the statement still being accurate as a finding-of-fact.

Grieve said yes based on the evidence that was submitted for preliminary plat and at the time the report was written.

Cross thought the wildlife issue was not adequately addressed during the public hearing.

Grieve said in the application material submitted, an agency referral was sent to the Fish, Wildlife & Parks office. The applicant never received a response from that referral. There was information in the EA from the applicant that stated they also tried to contact them and they did not receive a response either. This was a good indication that it is not a critical wildlife habitat area, unless there was other evidence presented. It was stated in the EA that the proximity of this subdivision would have no impact on the elk winter range habitat. He talked about the public hearing and the pictures brought forth by Chris Saucier. It was up to the board to determine how important the impact is on wildlife.

**SUBSIDIARY
MOTION
ADD F.O.F.**

Cross made a motion seconded by Marie Hickey-AuClaire to add a sentence to finding #6 that read: *The proposed subdivision can be assumed to have minimal impact on wildlife and wildlife habitat because the area is not identified as critical habitat nor will the proposed subdivision prevent all wildlife from continuing to passively utilize the property and MT FWP did not submit comments expressing concern over the proposed subdivision. However, public testimony indicated the site has been extensively used by an elk heard in recent winters.*

**BOARD
DISCUSSION**

Hall challenged the word *extensively*.

Cross talked about the amount of elk in the area and said they could change the words if needed.

**ROLL CALL TO
ADD F.O.F.**

On a roll call vote the motion carried 5-2 with Hall and Heim dissenting.

**BOARD
DISCUSSION**

Cross talked about the applicants request in finding #9. He thought the new wording would only work if the county could assure the house would be built exactly where they say. He did not think there was a way out of this dilemma unless there is a Planned Unit Development (PUD) in place.

Heim said these lots are quite large and everyone has a place to put a house. It should be up to the homeowner to build far enough away from the ground water.

Dziza said the issue lies with what the Growth Policy states; if there is groundwater 8-feet or less from the surface, the lots have to be 5 acres or greater.

Cross referred to finding #11 on page 19 and asked for any comments on the proposed or existing language.

Mower said he does not see scientific evidence of groundwater monitoring.

Cross said it is clear there are areas on each lot that do not have the groundwater issue which goes back to the reason for 5-acre lots.

Hall asked which lots would be part of phase one.

Cross said it was to the northwest.

Hall referred back to the map to make sure she understood where the low groundwater lots were located.

Hickey-AuClaire disagreed and thought the issue of groundwater was all in phase 3.

Cross asked Grieve for verification that the "pink x" marked the test holes with groundwater less than 8-feet.

Grieve anticipated this issue would come up and cross-referenced test holes with the lot numbers. The applicants submitted groundwater data from 2006. During a period from March 2006 to June 2006, holes 1-15 were tested. Test holes 2 & 3, on lots 30 and 27, failed due to groundwater being within 48 inches of the surface. Also, during that same time, test holes on lots 27, 40, 38, 35, 44, and 25 exhibited

groundwater 96 inches from the surface. These test holes were purposely dug in areas likely to have shallow groundwater to determine a starting point for lot and drainfield layout. He talked to the applicant at that time and they indicated that was their starting point for their lot layout and drain layout.

Hall said it showed integrity and decency of the applicant but the handicap facing this scenario is that the county does not have a mechanism in place to enforce the location of building envelopes. She said it is a "catch-22."

Grieve said that is correct. It is always a concern of staff whether mitigation provided by an unverifiable mechanism is even mitigation at all.

DeKort asked if this would have been an issue if all lots were over 5 acres.

Cross said making the lots 5 acres would be the only way around it. He asked Grieve if each of these lots had been 5 acres and others were smaller, would there be a way around the groundwater issue.

Grieve said staff's interpretation of this part of the Growth Policy is gross density of the subdivision. In areas where the groundwater is not as shallow, you could cluster 2 or 3-acre lots and areas where the groundwater is shallow there could be 5 to 10-acre lots.

Cross discussed adding finding #15, in regards to the TIS. He asked Grieve about making changes to the road systems in the subdivision.

Grieve said if the road system changed internally, the ingress/egress and the regional impact to traffic would not be a concern. It is the location of the ingress/egress to the public road infrastructure that is the concern for the sake of public health and safety. The real issue is then taking a traffic circulation pattern that had 3 points and reducing it to 2. The evidence shows these are rural roads. He said it would affect the regional traffic circulation originally submitted and if it is altered, the public does not have access to that information. He left it up to the board to decide the importance of the issue and how they wanted to proceed with it.

Harris said the planning board should not consider any new information submitted after the public hearing is closed. Any information that comes in after that time should go directly to the commissioners. He said they can discuss it but they should not acknowledge it.

DeKort suggested a condition based on public comment.

Mower said it is clear that it is a good idea. It just needs done the right way.

Grieve suggested the board add a finding. This finding should be to the effect that public comment warranted an alteration due to the impact on the neighbors to the north. A new finding from the board could be the basis to make a legal connection.

**SUBSIDIARY
MOTION
ADD F.O.F.**

Cross made a motion seconded by Dziza to add finding of fact #15: *Public testimony was received from several residents of Garden Estates Subdivision that requested that the northern access road be eliminated and replaced by a cul-de-sac at the intersection of lots 13, 14, 17, and 16.*

**ROLL CALL
TO ADD F.O.F.**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Hall said reviewed the wording, and wondered about adding another finding.

Cross said he did not know if we could make the finding without relying on a traffic study.

**SUBSIDIARY
MOTION
ADD F.O.F.**

Dekort made a motion seconded by Hall to add finding of fact #16: *Written comments and/or oral testimony during the public hearing on June 18th raised concerns regarding the following issues:*

- 1. Density- Lots size is out of character with the area.*
- 2. Wildlife- Disturbance of wildlife corridors in close proximity to the Flathead River.*
- 3. Traffic- Numerous comments were received regarding access and safety problems.*
- 4. Standing surface water on the east part of this development.*
- 5. Water Quality- The detrimental effects of 40 wells and private septic systems.*

**ROLL CALL
TO ADD F.O.F**

On a roll call the motion passed 5-2 with Dziza and Heim dissenting.

**ROLL CALL
TO ADOPT F.O.F**

On a roll call vote the motion passed unanimously to adopt FPP 08-09 as findings-of-fact as amended.

**MAIN MOTION
TO DENY**

Dziza made a motion seconded by Mower to recommend **denial** of FPP 08-09 to the County Commissioners.

**BOARD
DISCUSSION**

Dziza thought it was clear the lot sizes need to be 5 acres. He does not have a problem with the subdivision itself.

Hall thought the property needed to be bigger than 5 acres for all the reasons they discussed.

Mower also agreed with Dziza. He has lived near the area for about 2 years now and come spring, there are going to be groundwater issues.

Cross also supported the motion. The previous request was also denied due to density. He thinks this is an amendable subdivision and with proper changes, it could have the support of the board and neighbors.

Grieve wanted to clarify that the recommendation for denial was based on finding of fact #4. This does not comply with section 4.7.12 of the Flathead County Subdivision Regulation.

Harris asked if all lots were identified.

Grieve explained what the Growth Policy and Subdivision Regulations stated about groundwater.

Cross interpreted what Grieve said to contradict what he already said.

Harris said this subdivision has areas that have issues and some that do not.

Grieve said earlier he made an error and did not reference the subdivision regulations, which caused the confusion. He clarified his mistake and read again section 4.7.12 of the regulations.

Heim asked who could confirm whether a well was placed in a proper area or not. He said the area was deliberately drilled at the most detrimental place for this case. He asked if the applicant would have drilled at the high point of every lot, who would have said that was the wrong place to drill.

Mower said if they had to drill in both places, the board would not be having this discussion.

Hickey-AuClaire asked if an easement on a pedestrian path was a requirement for this subdivision.

Cross said that was a condition and would be discussed later.

On a roll call vote the motion passed 6-1 with Heim dissenting.

**ROLL CALL
TO DENY**

**PRELIMINARY
PLAT
MCGREGOR
PINES
(FPP 08-15)**

A request by Spoklie & Hoover III for Preliminary Plat approval of McGregor Pines, a 28 lot single-family residential subdivision on 181.18 acres. Lots in the subdivision are proposed to have individual water and septic systems. The property is located approximately 1.83 miles east of McGregor Lake on US Highway 2 West in Marion.

STAFF REPORT

Alex Hogle reviewed Staff Report FPP 08-15 for the Board.

**BOARD
QUESTIONS**

DeKort asked if a setback was required on the west side instead of the building envelope.

Hogle said the planning staff does not typically address setbacks; they are usually accomplished with zoning. It may be something the board wants to discuss. The concept of building envelopes seems reasonable as a means to minimize impacts on the natural environment. However, staff does not have a mechanism to ensure that development actually occurs. Building envelopes are not specific survey requirements and aren't depicted on the final plat.

Cross asked if "no-build zones" are different from building envelopes and why one is okay and not the other.

Hogle said "no-build zones" and building envelopes are somewhat different, but told the board that would be a better question to ask Harris.

Cross said the county does not have a mechanism for dust control and questioned how it is okay for it to be on the final plat.

Hogle said it is only a side note on the final plat, which is okay to do.

Harris said there is little difference between setbacks and building envelopes from a practical point-of-view. They are just suggestions for future homeowners where not to build. The county does not have a dust control mechanism; the purpose of the note was to heighten awareness that dust is a problem.

Heim asked Hogle why he felt the planning board should decide what to do about the additional information he suggested adding during his presentation.

Hogle said he simply missed those things before he brought them before the board.

Hickey-AuClaire referred to a letter from Glen Gray and asked if he was stating he could guarantee the building envelopes.

Hogle did not think that is what he was stated. The letter stated, in order to find appropriate drain sites it puts a limitation on where the home sites can be.

**APPLICANT
PRESENTATION**

Eric Mulcahy, of Sands Surveying, did an extensive review of the site. They did a floodplain study and a wetland study done by an engineer. Their design of the layout limited the loop to create one crossing at the highway and the other crossing northeast of the development. The crossings will meet county standards. The area had not been zoned for

floodplain so they added extra large culverts. They received a 404-permit, a 310-permit, and have had extensive conversations with the Conservation District. They do not meet the conditions of the 404-permit until they get a preliminary plat approval. In regards to the building envelopes, they have created self-imposed setbacks. He said a deed restriction would not be an issue on their part. They tapered the setbacks to grow wider as they got farther away from the highway; they started at 100 feet and went to 250 feet. The covenants for this subdivision reference the plat. He talked about the mechanism used when he was in the planning office. They would get the County Health Department to place the planning office sign off on their septic permit application. This would allow the planning office to get a copy of the site plan to look at the location of the home in relation to the property boundaries to determine if it met setbacks for zoning. He thought we would be able to do the same with building envelopes. He felt this would be a good mechanism for the county to implement. They would like to leave the lot designation as is.

BOARD QUESTIONS

Heim wanted to know who would authorize variance to setbacks, the County or the Homeowner's Association (HOA).

Mulcahy thought the HOA could offer a variance from the building envelopes to the roadside and maybe between lots but not to the critical areas. He thought for those areas, a written approval from the Architecture Review Board with a number from the homeowner would need to be required.

Dziza asked if a building envelope could change once marked on the final plat.

Mulcahy said making any changes to a final plat would have to go back to the board.

Hall did not think anyone could ever subdivide these lots.

Mower asked about the wildlife and livestock issue from Fish, Wildlife, & Parks perspective. He wanted to know how the applicant was going to comply with their suggested restrictions and if they were going to be part of the covenants.

Mulcahy said their covenants would probably not be that strict. Some of the lots are big enough to have livestock without being an issue. He read several documents on the issue and to prevent any problems the boundaries need to be set back from the wetlands. He said common sense has to prevail at some point.

Mower said he lives close to the area in question and knows it is a sensitive wetland area.

Mulcahy said it would be in the covenants that livestock is not permitted in open spaces.

**AGENCY
COMMENTS**

James Brower, Marion Fire District Chief, knows the area very well and the said the fire risk is moderate to high. He strongly encouraged the board to enforce firewise spacing. He requested 60,000 gallons of water be located on this site instead of the normal higher amount; this amount would be sufficient. The fire districts insurance rating (ISO) is seven, which is a decent rating for rural department, and he will not jeopardize this for any subdivision. He firmly agrees with the policy for no further subdivision of the lots. This plan was much better than the first plan he had seen.

Dziza asked how much water their trucks hold.

Brower said it depends on the apparatus. Most of the engines will hold 750 gallons. They also have water tenders that range from 1,800 to 4,000 gallons. It also depends on the workers they have, at any given time, and the skills they have to operate the trucks. Given the area they are in, their aid is about a half hour out.

Mower asked who was going to maintain the water systems.

Brower said they will test it twice year; however, it will be left up to the homeowners to do required maintenance. These pumps should last forever.

**PUBLIC
COMMENTS**

Dennis Tharp 10780 Highway 2, lives next to the property and had several concerns. He is concerned about the wildlife, environment, and wetlands. It has been wilderness land forever and this subdivision will disturb everything. He's already seen a change in the wildlife activity.

**APPLICANT
REBUTTAL**

None.

**STAFF
REBUTTAL**

Alex Hogle talked about the discussion he had with Eric Mulcahy about livestock & wildlife. The covenants show an agreement between the applicant and the Army Corps of Engineers. He read from the declaration of covenants and from the staff report.

**MOTION TO
ADOPT F.O.F**

Dziza made a motion seconded by Hickey-AuClaire to adopt Staff Report FPP 08-15 as findings-of-fact as amended.

**BOARD
DISCUSSION**

Heim commented he would like to make a motion to have all the missing information from Hogle's report added.

Cross thought those were conditions and would be discussed later.

Hogle agreed that most of his suggestions were directly related to conditions.

Dziza asked if anyone was concerned with the 100-foot “no-build zone”. He was concerned with the language and thought it might confuse people.

DeKort asked what the difference is between setbacks and the building envelopes.

Hogle said there really is not a difference between the two. The subdivision regulations do not include the concept of the building envelopes.

DeKort said we have a definition for setbacks but not for building envelopes.

Cross felt staff was uncomfortable with the term “building envelopes”.

Harris said there is no difference between setbacks and building envelopes. We require building pads be placed on all the lots. Our biggest concern is to have conditions that are measurable and that can be achieved by final plat.

Cross asked if staff did or did not require areas in the 100-year floodplain to be made a “no-build zone” on final plats in years past.

Harris said we do have a floodplain program that administers the types of development and types of fill that can go in the floodplain. There is direct follow-up on activity when subdivision ends at final plat and floodplain management picks up.

Dziza asked if this was a condition and if they should wait to discuss it until all conditions were discussed.

DeKort said findings do not address setbacks.

**MOTION TO
AMEND F.O.F.**

DeKort made a motion seconded by Dziza to amend finding-of-fact #22 by adding the following sentence to the end of the finding: *The Marion Fire and Rescue Chief have submitted agency comment provides tangible suggestions for providing adequate fire suppression.*

**ROLL CALL TO
AMEND F.O.F.**

On a roll call vote the motion passed unanimously.

**MOTION TO
AMEND F.O.F.**

DeKort made a motion seconded by Hickey-AuClaire to amend Finding of Fact #10 by adding the following sentence to the end of the finding: *Wetlands (identified as W2 from the submitted delineation) on Lots 4, 5, and 6 have not been included in the Homeowners Park/Open Space B.*

**ROLL CALL TO
AMEND F.O.F.**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

DeKort asked about the core engineer requirement that states wetlands in W1 & W2 areas be included as part of the homeowner's responsibility.

Hogle said he addressed that in finding-of-fact #13. He recommended they not change the language.

Cross verified that the Army Corps of Engineering expected all of W-2 to be part of the public space.

Mulcahy thought all wetlands were under a deed restriction.

Hogle said that covenant article 8 does not mention the deed restriction. He does not have a copy of the draft deed restrictions nor was there any mention of it in the environmental assessment. All it stated is that the applicant is working on an agreement.

Mulcahy said they were fine with putting a deed restriction on the open space lots 4, 5, and 6. The deed entails you cannot fill, or mess with, the wetland regardless of ownership whether it be the HOA or a private individual.

DeKort said we are working with a document that is not final.

Mulcahy said they are working on conditions.

Cross said it appears that what's on the plat is different than what's on the delineation report in regards to wetlands W1 and W2. He said the board should not even be talking about covenants.

Hogle agreed and said he had no mention of a deed restriction, that's why he created finding #13. He talked about a proposed condition regarding using the existing road for a path.

Mower said finding #16 is not appropriate; he felt that statement could not be made, as there is a host of issues that could degrade the wetland.

Hall made a suggestion to amend the language of finding #16.

Hogle wanted to add a condition stating the building envelopes should be depicted on the face of the final plat but he couldn't require that as a condition. Finding #16 was created based on that condition. He agreed with Hall's suggestion of changing the language.

Dziza said the board would treat this body of water a lot differently than others would be treated.

**MOTION TO
AMEND F.O.F.**

DeKort made a motion seconded by Mower to amend finding-of-fact #16 to state: *Effects of the proposed subdivision on the natural environment may be acceptable. This development will permanently adversely affect the floodplain, wetlands, and surface waters.*

**ROLL CALL TO
AMEND F.O.F.**

On a roll call vote the motion passed 5-2 with Dziza and Cross dissenting.

**MOTION TO
AMEND F.O.F.**

Cross made a motion seconded by Dziza to amend finding-of-fact #15 to state: *While the concept of the "building envelopes" seems reasonable as a means to minimize impacts on the natural environment, there is no mechanism to ensure that development actually occurs within them.*

**ROLL CALL TO
AMEND F.O.F.**

On a roll call vote the motion passed unanimously.

**MOTION TO
AMEND F.O.F.**

Cross made a motion seconded by Hall to amend finding-of-fact #18 to state: *While the concept of the "building envelopes" seems reasonable as a means to minimize impacts on wildlife and wildlife habitat, there is no mechanism to ensure that development actually occurs within them.*

**ROLL CALL TO
AMEND F.O.F.**

On a roll call vote the motion passed unanimously.

**MOTION TO
AMEND F.O.F.**

Cross made a motion seconded by Dziza to amend finding-of-fact #21 by adding the following sentence to the end of the finding: *The Marion Fire Chief has requested that the roads be rated no less than 50,000 lbs g.v.w.*

**ROLL CALL TO
AMEND F.O.F.**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Mower said roads are built over swampy areas all the time and wondered why it would be a problem now.

Hogle said this plan is unique; this is the first road he has seen that has crossed a fully jurisdictional wetland.

**ROLL CALL TO
ADOPT F.O.F.**

On a roll call vote the motion passed unanimously.

**MOTION TO
RECOMMEND
DENIAL**

Hall made a motion seconded by Mower to recommend **denial** of FPP-08-15 to the County Commissioners.

ROLL CALL

On a roll call vote the motion passed 6-1 with Dziza dissenting.

**BOARD
DISCUSSION**

Hall said she is concerned with W2; it is a complicated area with too many wetland issues.

Mower wondered if this would be an issue when the Army Corps of Engineers reviews this information.

Hogle said he called the Army Corps. They assumed W2 would be included in the open space. They do not look at preliminary plats; their concentration is on the 404 permit and the agreement. They negotiated an agreement with the applicant. Part of that agreement said they wanted the delineated wetlands from the delineation report included preservation as it says in the covenants.

Mower said he heard earlier that a 404-permit could not be obtained without preliminary plat approval.

Hogle said that was consideration from Eric Mulcahy for the deed restriction, which is the concern of the applicant. He had never seen any mention of a deed restriction. He recommended approval with conditions.

DeKort had a problem with adding the new issue of the building envelopes since it is not in the growth policy or any of our other regulations.

Hall asked who would address violations since the county does not have a mechanism to monitor setbacks.

Cross said his problem was with the staff report; staff is rejecting the proposed solution of building envelopes.

**PRELIMINARY
PLAT CANYON
CREEK RANCH
(FPP 08-13)**

A request by Canyon Creek Ranch Estates, LLC for Preliminary Plat approval of Canyon Creek Ranch, an eleven lot single-family residential subdivision on 388.343 acres. Lots in the subdivision were proposed to have individual water and septic systems. The property is located on Rogers Lake Road approximately 0.9 miles from the intersection of Rogers Lake Road and Highway 2.

**BOARD
QUESTIONS**

The Board discussed reviewing this plat at a later date. They decided on August 27, 2008, due to the length of time needed for full review.

MOTION

Hickey-AuClaire made a motion seconded by Dziza to move the application to August 27, 2008 at 6:00 p.m.

The motion was carried by quorum.

OLD BUSINESS

Harris introduced April Gerth and Brian Wacker with Robert Peccia & Associates. They are managing the Transportation Plan.

Gerth handed out packets to the board.

Wacker said he is the lead engineer on this project. He listed the other people involved and the discussed the agenda. He said they have been

working with the road advisory committee. This project started in January of 2008 and is on a 13-month schedule. There are going to be 3 separate public informational meetings, the first is tomorrow. He hopes to meet with the Planning Board at least 3 times for updates. They have been working to collect data. MDT is working on an active model to show the transportation plan. He introduced April Gerth.

April Gerth went over their 5 technical memos, none of which are completed; they are in draft format. The first technical memo is *goals and objectives*. The importance of the plan is to include all types of transportation; buses, bicycles, motor vehicles, etc. The ultimate goal is to recommend some improvements and modifications for the current transportation means in Flathead County. The goals stated in the technical memos are goals the county has developed in the growth policy or other neighborhood plans. The policies were developed to help meet their goals. The study area boundaries are not for the entire county. This plan does not cover the cities; it is more for the county areas outside the urban centers. The next memo is the *associate and economic analysis and growth projections*. This is to determine what our base population numbers are and to determine how we are going to project that into the future. She referred to the model that MDT is making to show today's conditions. With that model, they will input their population and land use projections. Once the projections are in place, MDT will make a new model of 2030 that will show which intersections are failing, which roadways aren't working, and where we can come up with new improvements to improve the transportation system. There are 3 different growth scenarios: low growth, moderate growth, and high growth. Their plan will use moderate growth, which is about 1.6% per year. The next technical memo is a *rating system* to see which roads should be paved first in regards to dust control. The last technical memo is *crash analysis*. They have compiled data from MDT for the last 10 years. With that data, they were able to pinpoint the roads that have the highest ranking of accidents. She closed by asking the board to look over the packet she had passed out.

Heim asked about the crash data and why the highways were not shown.

Gerth said they haven't put a lot of emphasis on the highways because they are under state jurisdiction.

Cross asked if they were going to incorporate lots that deal with family transfers or if they going to be ignored.

Gerth said no they are not going to be ignored, but the land use is going to look at what the capabilities are on the land.

Harris said they do not want land use to be above the population projections. The land use will mainly cover densities.

Cross asked if the Wildlife Land Urban Interface has been look over.

Gerth said they did use the most likely areas that would be developed. She said they would have to guess at some things.

Heim asked if this would affect the eastside bypass in Kalispell.

Gerth said it will be included in the plan, it will not affect it, but they will consider it. The bypass will not be shown in the base model but will be included in the model of 2030.

Heim asked how the model would show the traffic from Highway 93 going to Columbia Falls.

Gerth said it would look at current traffic patterns to see what roadways have problems and where new roads need to be.

Cross asked if there was any other old business.

Jeff Harris brought up the letter written to the commissioners about the committees. They are completely in support and they wanted him to pass along this message.

NEW BUSINESS

Harris introduced Heather Soteris as the new Board Secretary.

ADJOURNMENT

The meeting was adjourned at 11:00 on a motion by DeKort seconded by Cross. The next regular meeting will be held at 6:00 p.m. on August 27, 2008.

Gordon Cross, President

Heather Soteris, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 11/19/08